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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,733	07/31/2001	Scott D. Sturgeon	10014834-1	4329

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EXAMINER

NGHIEM, MICHAEL P

ART UNIT PAPER NUMBER

2863

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,733

Applicant(s)

STURGEON ET AL.

Examiner

Michael P Nghiem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2002 and 16 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,10,15 and 21-31 is/are allowed.
- 6) ☒ Claim(s) 4 is/are rejected.
- 7) ☒ Claim(s) 1-3,5-8,11-14 and 16-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The Amendment filed on November 12, 2002 has been acknowledged.

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 16, 2002 has been entered.

Claim Objections

2. Claim 11 is objected to because of the following informalities:

- "said ink reservoir in an ink reservoir chamber" should be – an ink reservoir chamber in said ink reservoir --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lacks antecedent basis, "said chamber".

The remaining claims are also rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

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(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-3, 5-8, 11-14, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi et al. (US 6,443,567).

Hayashi et al. discloses all the claimed features of the invention including:

- an inkjet printer (Fig. 24) comprising:
 - a chassis (chassis of printer);
 - a motor (column 49, line 21);
 - a carriage (81) operably secured to the chassis and driven by the motor for reciprocal movement relative to the chassis (Fig. 24);
 - a printhead (160) operably secured to the carriage (Fig. 2), in fluid communication with said ink reservoir, and in electrical communication with a controller (column 46, lines 26-41);
 - a mechanism (Figs. 2, 4's) for ensuring correct installation of a detachable printer component (200) into a printer (Fig. 24) comprising:
 - a detachable printer component (200) having a top surface (top wall of 200), a toe-end (left bottom corner of 200) and a back end (right bottom corner of 200);
 - a mount (150) secured to said carriage (Figs. 32's) having a toe-end engaging portion (left portion of bottom surface 151, Figs. 4a, 4b) and a back end engaging portion (right portion of bottom surface 151, Figs. 4a, 4b), said toe-end engaging portion

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operably engaging the toe-end thereby pivotally securing said toe-end to said printer (Figs. 4's), said back end mounting portion operably engaging said back end when said toe-end is pivotally secured to said toe-end mounting portion and said detachable printer component is pivoted about said toe-end toward said back end mounting portion (Figs. 4's);

- a cover (121) operably secured over said chamber (chamber of 200) and extending partially over said toe-end of said detachable printer component when said detachable printer component is secured to said mount defining a neutral position of the cover with respect to the mount (Figs. 2, 4's), said cover preventing said back end from operably engaging said back end engaging portion of said mount before said toe-end is pivotally secured to said toe-end engaging portion of said mount (guiding portion 121 guides 200 into engagement with holder 150, Figs. 4's);

- said detachable printer component is an ink reservoir (200);
- said detachable printer component is an ink/printhead cartridge (200);
- said printer is an inkjet printer (Fig. 24);
- said cover includes a substantially planar top surface having an angled leading edge lip for operably engaging the toe-end of said detachable printer component during installation (121, Fig. 4's);

- said cover is pivotally secured to said mount at a pivot point and able to deflect slightly out of the cover's engaged position to facilitate installation of said detachable printer component (Fig. 2);

- said cover is biased to said cover's neutral position (Fig. 4c).

Allowable Subject Matter

5. Claims 9, 10, 15, and 21-31 are allowed.

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons For Allowance

7. The combination and method as claimed wherein said printer component is a printhead (claim 4) or a beam spring extending between said cover and said mount (claim 9) or said cover is a visually distinguishable color from the color of said mount (claims 10, 15) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

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Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

January 24, 2003